UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,346	05/31/2000	Rabindranath Dutta	AUS000192US1	2382

45502	7590	08/15/2005

DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY.,
SUITE 2110
AUSTIN, TX 78759

EXAMINER
AMINI, JAVID A

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 February 2005</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>2-8,11,12,14-17,20-26 and 28-30</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____.
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5) ☐ Notice of Informal Patent Application (PTO-152)
   Paper No(s)/Mail Date _____.   6) ☐ Other: _____.

Response to Arguments

In view of the reply brief filed on 2/03/2005, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or

other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims, 2-8, 11-12, 14-17, 20-26 and 28-30 rejected under 35 U.S.C. 103(a) as being

unpatentable over Moriya US 6,161,140 with filling date of Sep. 30, 1997.

1.   Claim 28,

As per claim 28, "A method for displaying data on a portable device having a display that is

significantly larger in a first dimension than in a second dimension" Moriya in fig. 4 illustrates

PDA3 with display size of 400x200. "method comprising the steps of: receiving a data page in

the portable device; analyzing the data page" Moriya in col. 1 lines 56-67 teaches the data

terminal includes code storing means for storing a code indicating the capability of the data

terminal, and code transfer means for transferring the code stored in the code storing means to

the network. The central facility advantageously includes code-receiving means for receiving

the code which is transferred from the data terminal through the network, discrimination means

for discriminating the code received by the code receiving means and for detecting the

capabilities of each data terminal, and information transfer means for transferring information to

the data terminal in a manner appropriate to the terminal's capability. "automatically displaying

the data page in either a first orientation or a second orientation within the display in response to

the analysis of the data page" Moriya in fig. 15 box 12 illustrates the code transfer section 12

automatically prepares the model code. Examiner's interpretation: the slightest difference

between the Applicant's claim invention and Moriya's invention is as follows: in claim

invention, e.g. claim 30 first line claims "within a portable data processing device" that means

the code transfer section is done within the portable device, that causes slower device and

requires high capacity of storage area, and the user does not have to provide any type of

registration form to central facility for that particular portable device. The reference Moriya

covers a portable device with the rectangular display, the type of portable device is registered

with central facility, and the central facility does the analysis of data page. The advantages of

Moriya over Applicant's claim invention are: Faster response, longer life of battery, and less

weight. The reference teachings somehow can be modified in order to meet the claims. The

modification would have been obvious to one of ordinary skill in the art at the time the invention

was made, because the person having ordinary skill in the art would have been taken the data

modification section in fig. 1 of Moriya and place it or install it within the PDA device in fig. 2,

knowing to add more memory, stronger battery and dealing with a slower device. The only

advantage is as follows: the PDA's user can freely travel to different regions (e.g. foreign

countries), which do not provide the code transfer option. However the PDA works with standard

services and user can use the data modification section in fig. 1 of Moriya that installed in the

PDA whether the region provides the service or not.

2.   Claim 2,

As per claim 2, "wherein the data page is received over a wireless connection", Moriya in fig. 2

shows specific different types of data terminal and central facility connected to the network

system shown in fig. 1. A personal digital phone 10a, a PDA 10b and a PC 10c in fig. 2 are the

data terminal 1 in fig. 1.

3.   Claim 3,

As per claim 3, "wherein the second orientation is a ninety-degree rotation of the first

orientation", Applicant on page 7 lines 1-7 discloses that the user is provided with a mechanism

to choose the display mode. This mechanism can be implemented by an actual button on the

telephone, or by a touch-sensitive selection "button" on the display itself. As the user repeatedly

activates the mechanism, the display will flip back-and-forth between the two display modes.

Examiner's comments: e.g. if the display size is 400x200 and the code for this display has been

stored in the central facility, then obviously the data page displayed according to the display size

(i.e. landscape or portrait orientations). The display size never changes. Moriya in fig. 2

illustrates a cell phone 10a a PDA 10b and a PC 10c. They represent displays with different

orientations. Another example: PDA in fig. 2 of Moriya receives a data page from NW (i.e. NW

contains the size of the PDA display 400x200), to make it clearer, the data page from Applicant's

fig. 2, will be formatted automatically using NW to display as 400x200 orientation, and the same

for the cell phone display.

4.   Claim 4,

As per claim 4, "wherein the device comprises a display that is significantly larger in a first

dimension than in a second direction orthogonal to the first dimension", PDA in fig. 2 of Moriya

receives a data page from NW (i.e. NW contains the size of the PDA display 400x200).

5.   Claim 5,

As per claim 5, "wherein the data page is redisplayed in response to a user input",

Moriya in fig. 15 illustrates the code transfer section 12 automatically prepares the model code

based on an input data by the user.

6.   Claim 6,

As per claim 6, "wherein the data page is redisplayed after a preset duration", the step of the

preset duration is obvious because there must be an interval of time between two different

events. Otherwise, Applicant can specify the amount of the preset duration.

7.   Claim 7,

As per claim 7, "wherein the portable device is a wireless telephone", Moriya in fig. 2 shows

specific different types of data terminal and central facility connected to the network system

shown in fig. 1. A personal digital phone 10a, a PDA 10b and a PC 10c in fig. 2 are the data

terminal 1 in fig. 1.

8.   Claim 8,

As per claim 8, "wherein the portable device is a personal digital assistant", Moriya in fig. 2

shows specific different types of data terminal and central facility connected to the network

system shown in fig. 1. A personal digital phone 10a, a PDA 10b and a PC 10c in fig. 2 are the

data terminal 1 in fig. 1.

9.   Claim 29,

As per claim 29, "The portable data processing system having a processor, write able memory

and a display which is significantly larger in a first dimension than in a second dimension, said

portable data, processing systems comprising: means for receiving a data page in the portable

data processing system; menus for analyzing the data page; anal means for automatically

displaying the data page in either a first orientation or a second orientation within the display in

response to the analysis of the data page.", See rejection of claim 28.

10.   Claim 11,

As per claim 11," wherein the data page is received over a wireless connection", Moriya in fig. 2

shows specific different types of data terminal and central facility connected to the network

system shown in fig. 1. A personal digital phone 10a, a PDA 10b and a PC 10c in fig. 2 are the

data terminal 1 in fig. 1.

11.   Claim 12

As per claim 12, see rejection of claim 3.

12.   Claim 14,

As per claim 14, "wherein the data page is redisplayed in response to a user input", See rejection

of claim 5.

13.   Claim 15,

As per claim 15, "wherein the data page is redisplayed after a preset duration", see rejection of claim 6.

14.   Claim 16,

As per claim 16, "wherein the portable data processing system is a wireless telephone", See rejection of claim 7.

15.   Claim 17,

As per claim 17, "wherein the portable data processing system is a personal digital assistant", See rejection of claim 8.

16.   Claim 30,

As per claim 30, "A computer program product for use within a portable data processing device having a display that is significantly larger in a first dimension than in a second dimension, said computer program product comprising: media readable by the portable data processing device; instructions embodied within the media for receiving a data page within the portable data processing device; instructions embodied within the media for analyzing the data page; and instructions embodied within the media for automatically displaying the data page in either a first orientation or a second orientation within the display in response to the analysis of the data page", See rejection of claim 28.

17.   Claim 20,

As per claim 20, "wherein the data page is received over a wireless connection", See rejection of claim 7.

18.   Claim 21.

As per claim 21, see rejection of claim 3.

19.   Claim 23,

As per claim 23, "wherein the data page is redisplayed in response to a user input", See rejection

of claim 5.

20.   Claim 24,

As per claim 24, "wherein the data page is redisplay after a preset duration", see rejection of

claim 6.

21.   Claim 25,

As per claim 25, "wherein the portable device is a wireless telephone", See rejection of claim 2.

22.   Claim 26,

As per claim 26, "wherein the portable device is a personal digital assistant", See rejection of

claim 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
Art Unit 2672

JEFFERY O'BRIEN
PRIMARY EXAMINER

Javid Amini